

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE  
ENERGY, LLC, a Delaware limited liability  
company,

Plaintiff,

v.

VICTORY ENERGY  
OPERATIONS, LLC, a Delaware limited  
liability company,

Defendant.

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: CIVIL ACTION  
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: NO. 04-CV-325 (ERIE)  
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: Judge Sean J. McLaughlin  
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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, upon  
consideration of Plaintiff's Second Motion to Compel Discovery Responses from Defendant, and  
any response thereto, it is hereby ORDERED that the Motion is GRANTED as follows:

1. Within five (5) business days of the date of this Order, Defendant shall deliver to counsel for Plaintiff:
  - (a) All Estimates<sup>1</sup> for all Keystone® boilers Defendant sold while Plaintiff was the licensor under the License Agreement, and for all 47 Voyager boilers sold as of February 13, 2007, including, but not limited to the so-called "Price Summary Sheets";
  - (b) All Proposals for the 47 Voyager boilers that Defendant sold as of February 13, 2007;
  - (c) All Owner POs for the 47 Voyager boilers that Defendant sold as of February 13, 2007;
  - (d) Complete cost documentation for Keystone® project no. 313;

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<sup>1</sup> Capitalized terms in this Order shall have the meanings ascribed to them in Plaintiff's Motion.

- (e) Complete sets of Drawings for each and every Voyager boiler delivered by Defendant to customers as of February 13, 2007; and
  - (f) All remaining Cost Information for each and every Voyager boiler delivered by Defendant to customers as of February 13, 2007.
2. Plaintiff has an additional twenty (20) days from the date on which Defendant complies with this Order to file an amended/supplemental pretrial statement.
  3. Within five (5) business days of the date of this Order, Defendant shall pay to Plaintiff the sum of \$\_\_\_\_\_, as a sanction for Defendant's failure to comply with this Court's two prior discovery Orders.

BY THE COURT:

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McLaughlin, J.